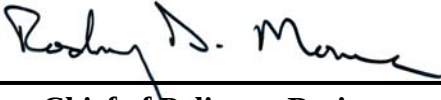


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 22	Effective Date 04/29/08	Review Date 2011
Subject POLICE DAMAGE TO PRIVATE PROPERTY			☐ New Order ☒ Replaces G.O. 0602-17, (01/10/05)
References VA Code §15.2-209 City Administrative Regulation 3.3 (02/01/07)			
 _____ Chief of Police or Designee		04/29/08 _____ Date	

I. PURPOSE

The purpose of this directive is to establish the procedure for reporting damage caused to private property as the result of police activity.

II. POLICY

When, as the result of police actions damage occurs to private property, the Department shall ensure that the incident is thoroughly investigated and properly documented. All reports taken regarding the damage are to be used for investigative purposes only and not as a claims form. All questions regarding liability or reparation should be referred to the City's **Attorney's Office**.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURES**A. Response to Reports of Police Damage to Private Property:**

1. Any employee damaging private property, while in the performance of his or her official duties, shall immediately notify his/her immediate supervisor.

2. The supervisor will respond to the scene, take all measures necessary to render the situation safe and ***secure any building or dwelling which has been made insecure by Police action when a responsible occupant is not present.***
3. The supervisor will ensure that the Damage to Private Property Form (PD-41) is completed along with the necessary attachments and forwarded through normal channels to the ***Office of General Counsel.***

NOTE: If an arrest is made, ***the officer shall*** include copies of the IBR, CCRE and ***any*** warrants/summonses in the packet.

4. The ***officer's*** supervisor will ensure that ***relevant*** photographs are taken of the scene, printed, included with the PD-41 ***and forwarded to the Office of General Counsel.***
5. The Division of Emergency Communications (DEC) will be contacted to provide an incident number for inclusion on all forms and photographs related to the incident.
6. If the victim should ask how to file a claim for damages with the City, the responding officer should inform the individual or his/her agent that he/she must file a written statement with the City's Attorney's Office within six months of the incident, pursuant to VA Code §15.2-209.

B. Duties and Responsibilities of the ***Office of General Counsel:***

1. The ***Office of General Counsel*** will be responsible for ***determining if and when*** any follow-up investigation of the incident ***is*** necessary.
2. The ***Office of General Counsel*** will maintain a folder containing the original ***copy of the PD-41 along with relevant photographs and related paperwork.***
3. The case folder shall be retained on file for five years.

C. ***Duties and*** Responsibilities of the ***Responding Supervisor:***

1. The responding supervisor should inform the individual ***who incurred*** damage to his/her property or his/her agent that the PD-41 form is being taken for investigative purposes only and is not a claims form.
2. The supervisor should also inform the individual or his/her agent that he/she may contact the City's ***Attorney's Office*** if he/she has any additional questions regarding the incident.

NOTE: The victim/agent may wish to contact the City's Attorney's Office to ascertain the elements required to file a claim (e.g., victim's name, address, et cetera).

3. Under no circumstance will any employee indicate to the individual ***incurring*** damage to his/her property that the City will pay a claim, accept liability or contact the individual concerning the incident. No employee will make a statement, however trivial, concerning the facts relating to any claim against

the City. In all cases, the employee shall respectfully advise any inquirer that all matters concerning claims must be discussed with the City's Attorney's Office.

V. **ROLES AND ACCOUNTABILITY**

A. *The involved officer that damages private property while in their official capacity shall:*

1. *Immediately notify his/her immediate supervisor;*
2. *Inform the individual or his/her agent who incurs damage to property that he/she must file a written statement with the City's Attorney's Office within six months of the incident, pursuant to VA Code §15.2-209, if the victim should ask how to file a claim for damages with the City;*
3. *If making an arrest, include copies of the IBR, CCRE and any warrants/summonses in the PD-41 packet to be forwarded to the Office of General Counsel;*
4. *Contact DEC to provide an incident number for inclusion on all forms and photographs related to the incident; and,*
5. *Under no circumstance indicate to the individual incurring damage to his/her property that the City will pay a claim, accept liability or contact the individual concerning the incident. No employee will make a statement, however trivial, concerning the facts relating to any claim against the City. In all cases, the employee shall respectfully advise any inquirer that all matters concerning claims must be discussed with the City's Attorney's Office.*

B. *The Responding Supervisor shall:*

1. *Respond to the scene, take all measures necessary to render the situation safe and secure any building or dwelling which has been made insecure by Police action when a responsible occupant is not present;*
2. *Ensure that the PD-41 is completed along with the necessary attachments and forwarded through normal channels to the Office of General Counsel;*
3. *Ensure that the arresting officer includes copies of the IBR, CCRE and any warrants/summonses in the packet;*
4. *Ensure that relevant photographs are taken of the scene, printed, included with the PD-41 and forwarded to the Office of General Counsel;*
5. *Under no circumstance indicate to the individual incurring damage to his/her property that the City will pay a claim, accept liability or contact the individual concerning the incident. No employee will make a statement, however trivial, concerning the facts relating to any claim against the City. In all cases, the*

employee shall respectfully advise any inquirer that all matters concerning claims must be discussed with the City's Attorney's Office;

6. *Inform the individual who incurred damage to his/her property or his/her agent that the PD-41 form is being taken for investigative purposes only and is not a claims form; and,*
7. *Inform the individual or his/her agent that he/she may contact the City's Attorney's Office if he/she has any additional questions regarding the incident.*

C. *The Office of General Counsel shall:*

1. *Be responsible for determining if and when any follow-up investigation of the incident is necessary;*
2. *Maintain a folder containing the original copy of the PD-41 along with relevant photographs and related paperwork; and,*
3. *Retain the case folder on file for five years.*

D. *DEC shall:*

Provide the officer with an incident number for inclusion on all required forms.

VI. **FORMS**

- A. *PD-41, Damage to Private Property Form*
- B. *Incident Based Report (IBR)*
- C. *CCRE*
- D. *Warrants/Summonses*